

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

March 16, 2016 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns

EXCUSED: Councilor Kyle Bowden

ALSO PRESENT: Town Administrator Steve Fournier, Interim Finance Director Matt Angell, Town Planner Diane Hardy, Engineer Phil MacDonald of Underwood

AGENDA

Chairman Phil Nazzaro welcomed everyone to the March 16, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:11 pm, followed by the Pledge of Allegiance.

Vice Chair Levy made a motion to seal the minutes of the Non-Public Session, which was seconded by Councilor Burns.

Town Administrator Fournier polled the Council and the motion passed 6-0.

ELECTION OF OFFICERS AND ADOPTION OF TOWN COUNCIL RULES

Chairman Nazzaro announced a change to the agenda as a full Council was not seated at this time, and said the election of officers and adoption of Town Council rules would be moved to the next meeting. Town Administrator Fournier also asked that Council members send him a list of preferred committee assignments to be voted on at the next meeting. Chairman Nazzaro reminded the Council to read the Council rules and come prepared with any edits.

DEDICATION OF THE TOWN REPORT

Chairman Nazzaro announced the dedication of the 2015 Town Report to Madeleine St. Hilaire in recognition of her many years of service and devotion to the Town of Newmarket. He said that Madeleine

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had been a resident of Newmarket most of her life and worked in the Town office as accounts payable and payroll clerk from 1979 to 1985, and as the Deputy Town Clerk Tax Collector from 1986 until her retirement in 2001. She returned to the Town offices on a part-time basis to cover various department offices from 2003-2015. He said that she was admired by others as a people person, with a friendly, upbeat, and respectful manner. We extend our sincere appreciation to Madeleine St. Hilaire for her services to Newmarket and wish her years of good health and happiness.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:17 pm.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:17 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of the Minutes of the Regular Meeting of March 2, 2016

Vice Chair Levy made a motion to accept the minutes of the Regular Meeting of March 2, 2016, which was seconded by Councilor Weinstein.

As there were no changes or corrections Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of March 2, 2016 were approved by a vote of 5-0, with 1 abstention.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Steve Fournier presented the **2016-17 Town Council Schedule**. He said that last year only one meeting had been cancelled in July and August to allow for vacation, and suggested the tentative dates of Wednesday, July 6th 2016 and Wednesday, August 3rd 2016. He said he also tentatively scheduled the Budget Workshop for Saturday, October 22, 2016. He stated that the **Spring Clean-Up** for this year would be held April 2nd, 6th, and 9th and said residents could bring their items to the Transfer Station. He said they would be limited to one (1) pickup load of bulky waste, with additional loads requiring a purchased coupon. The only residents eligible for curbside pickup are those who are handicapped or senior citizens of at least 62 years old.

Town Administrator Fournier said he had reviewed the **FY16 Operating Budget** which was currently under-expended with 66% of the year complete, and added that revenues were right on target. He stated that he had asked the Finance Director to provide him with a report on estimated year-end figures and they estimated expenses would be tight. He said he asked Departments to monitor their expenses and try to limit unbudgeted projects. Town Administrator Fournier next provided an update on the **Eagles vs Town**, stating that the judge had allowed the Eagles 30 days to provide proof that something was done procedurally wrong in the process. He said they also lifted the ban on serving alcohol and required the Eagles to put the Town on their insurance.

South Route 108 Bike Path

Town Administrator Fournier next addressed the **South Route 108 Bike Path** project. He stated that Town Planner Diane Hardy and Engineer Phil MacDonald were present to answer any questions. He said they had received a cost estimate for the project of \$1.2 million to go from Irving Gas to the Golf Course, and were 100% approved up to \$809,000. He said the first option was to support the project up to the amount of the NHDOT and the FHWA which would take the Bike Path 4,000 feet from Irving Gas to Hersey Lane. A second option was whether the Council would support the whole project to the Golf Course estimated at \$1.2 million, with the Town providing a match of 20% above the \$809,000. The difference would total \$391,000, with a State share of \$312,800 and a Town share of \$78,200. He said they did not have the money in the operating budget, but could take the money from the Municipal Transportation Fund or the Roadway Improvement Fund. He said there would not be a full vote, but needed a consensus of whether the Council would be willing to provide these funds.

Discussion: Councilor Weinstein asked about the funds, and Town Administrator Fournier said the money in the Municipal Transportation Fund was used for improving roads (paving) or other transportation projects, and the Roadway Improvement Fund was set up last year for the roads. Councilor Pike asked what the distance would be if the additional funds were spent, and Mr. MacDonald said it would be approximately 6,850 feet vs the 4,000 feet already approved. Vice Chair Levy asked if there was any way to get to the Town line with the \$809,000 by changing any part of the Bike Path. Mr. MacDonald said they had already chosen the more cost-effective of the two Bike Path options. Councilor Burns asked what taking the \$78,000 from either of the funds would mean for the roads, and Town Administrator Fournier said there would be less paving. Councilor Thompson said she could not support any spending of the Town above the \$809,000 and could not support taking money out of roads. Councilor Weinstein agreed that she could not support taking 1/3 of the Town's road money, and Chairman Nazzaro agreed as well. Councilor Burns added that they had worked hard to get the money into the Road Improvement Fund.

Questions on TA Report: Councilor Pike asked about the NHDES concerns with regard to water coming from the MacIntosh Well and why the high level of testing was required. Town Administrator Fournier said it was partly due to more scrutiny now since the Flint, MI case. He said there were also some private connections to the Town system that were lead, and that these would need to be looked at and replaced over time. Councilor Pike asked if the Total Nitrogen Discharge of 36.0mg/L listed (page 42) was the same number that needed to be reduced to 8 and then 5, and Town Administrator Fournier said it was.

Vice Chair Levy asked if there was a way for the work on the MS-RS paving plan to include less overtime, and Town Administrator Fournier said UNH was working on the schedule. Vice Chair Levy also asked about a timeline for the Planning Board in setting up a sub-committee to go over EDC recommendations. Town Planner Diane Hardy said there had not been any discussion on the recommendations of the EDC or John Connery. She said that the Planning Board was working on updating the Future Land Use Chapter of the Master Plan and they would then move forward with drafting the zoning ordinance. She said she hoped to have a presentation to the Town Council by June.

COMMITTEE REPORTS

Councilor Pike stated that the *Planning Board* had met last night and the Future Land Use Chapter had already been mentioned. He said there was some discussion around the Grape Street project and said they were seeking a waiver to have one large water discharge area rather than individual areas. He said the Planning Board was also trying to see if they had any ability to influence the design standards for the buildings. He said there had been discussion about possibly expanding the building for the industrial project on Forbes Road, but they were now looking at subdividing the lot and adding two (2) additional buildings. He stated that the subdivision on Grant Road had been approved.

Councilor Burns reported on the *Conservation Commission* meeting and said they were moving forward with the repairs to the damaged kiosks. She said a representative of the Lamprey River Advisory Committee had been present with regard to footpath connector trails for canoe portage. Town Planner Diane Hardy said the Lamprey River Advisory Committee was interested in seeing some kind of pedestrian connector and some kind of public access linkage so people were aware of the conservation area across the river. She said they were also reviewing a property adjacent to the Lamprey River on the other side of Route 108 and had been able to secure a public portage easement. She said the advisory committee was interested in continuing to work with the Town as they had access to funds from the Wild and Scenic Rivers Program.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2015/2016-35 Amend the Town Personnel Plan to Include Salary Schedule

Councilor Thompson made a motion to approve *Resolution #2015/2016-35 Amend the Town Personnel Plan to Include Salary Schedule* which was seconded by Councilor Weinstein.

Town Administrator Fournier stated that pursuant to the Town Charter he was required to provide an update to the Council of the pay and compensation schedule for every Town employee. He said they had done a survey looking at communities of similar size, population, assessed value, and markets. He stated that they were recommending a maximum and a minimum for every position, and stressed that this would not change any salaries but was simply setting a schedule.

Discussion: Vice Chair Levy asked what would happen if Newmarket had different requirements for a position. Town Administrator Fournier said if the requirements were not met they would start at the bottom, and said these were not absolutes but just suggested ranges. Chairman Nazzaro asked if only the 6 positions that were below the minimum had been adjusted and Town Administrator Fournier said no salaries had been adjusted. He explained that for those below the minimum, the ranges were starting above where they were, and said they were changing the scale range for those 6 positions and setting the range for all the others. Vice Chair Levy asked if there was a plan in the future to change those 6 salaries, and Town Administrator Fournier said that would be the ultimate goal but that they had not budgeted for those changes.

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Town Administrator Fournier polled the Council and *Resolution #2015/2016-35 Amend the Town Personnel Plan to Include Salary Schedule* was approved by a vote of 6-0.

ORDNANCES AND RESOLUTIONS IN THE 3RD READING

Resolution #2015/2016-34 Authorize the Town Administrator to Enter into a General Services Agreement with Underwood Engineers for General Engineering Services

Councilor Burns made a motion to approve *Resolution #2015/2016-34 Authorize the Town Administrator to Enter into a General Services Agreement with Underwood Engineers for General Engineering Services*, which was seconded by Councilor Weinstein.

Town Administrator Fournier gave a quick review of the process, explaining that they had solicited proposals from engineering firms and received 7 responses. He said that of those responses, 2 met the qualifications and standards needed by the Town and both were interviewed. He said the benefits of each firm had been discussed and that the Town was now recommending they enter into a contract with Underwood Engineers for a period of one (1) year to act as Town Engineer. He said the relationship would be similar to that with the Town Attorney, and that they would have an engineer of record to review projects and contractor proposals.

Discussion: Vice Chair Levy said his understanding as to why Underwood Engineers was chosen over Tighe & Bond was basically because of the Town history with Underwood and that Tighe & Bond had only 1 municipal engineer. He said he was concerned because Underwood had worked for with the Town for a long time. Interim Finance Director Matt Angell stated they had only had individual contracts with engineers for special projects and not one firm. He explained that Tighe & Bond only had 1 person who just did work for municipalities, and he stressed that both firms were qualified but that they were looking to draw in some expertise in the area of municipal engineering. Vice Chair Levy said that Tighe & Bond had 14 fulltime licensed professionals, and said he did not agree. Town Administrator Fournier explained that it was the same with the Town Attorney and that he had expertise in municipal law. He said Underwood had also stopped underwriting private entities due to concerns about conflicts between the Town and the developer.

Councilor Pike asked if having an engineer of record would give them better information and engineering services, or whether they also felt this would save the Town money. Town Administrator Fournier said they did not know yet if they would save money but that they knew it would be more efficient. Interim Finance Director Angell stated that the core rates were identical between both firms, and that it would save money by reviewing contractor's proposals. Chairman Nazzaro said he was still not convinced that this was necessary and he asked for a listing of current Underwood charges versus the rates being proposed here. He said he also had a problem with the process and felt both firms should have been evaluated based on the same questions and judged against a set criteria. Town Administrator Fournier said that was essentially in the RFP which was sent out. Chairman Nazzaro said he felt another process issue was that some people were not part of the interview of both firms.

Councilor Thompson asked if the Town Engineer would be hired on a retainer like the Town Attorney, and said she felt she would be more comfortable with a yearly amount. Town Administrator Fournier said if they were continuing to use the engineer he would recommend hiring on a retainer basis for the following year. Councilor Weinstein asked about the engineering money in the different budgets, and said they would not overspend those line items and would therefore be constrained to the current budget. Town Administrator Fournier said that the policy was that they would go through him for approval. He said he needed to know more about what they were actually using for engineering services and needed some history for a comparison. Vice Chair Levy said he wanted to be clear that he did not have an issue with having a firm under contract, but rather had an issue with the process. Councilor Pike felt a year of analysis first would be good and they could then ask both firms for a proposal for a 1-year retainer. Town Administrator Fournier said if they found it was working they would reissue an RFP at the end of the year and that both firms understood that. Chairman Nazzaro felt he did not see the data right now and found it difficult to support without it. He mentioned that the role of the Council would be diminished, and Town Administrator Fournier said they would still come before the Council but that the engineering work would already be done and the Council would have the right information available to make a decision.

Town Administrator Fournier polled the Council and *Resolution #2015/2016-34 Authorize the Town Administrator to Enter into a General Services Agreement with Underwood Engineers for General Engineering Services* passed by a vote of 4-2.

ITEMS LAID ON THE TABLE – None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Zoning Board of Adjustment

Candidate: *Wayne Rosa - Term Expires March 2019*

Councilor Weinstein made a motion to approve the nomination of *Wayne Rosa - Term Expires March 2019* as a member of the *Zoning Board of Adjustment*, which was seconded by Councilor Burns.

Town Administrator Fournier polled the council and the nomination of *Wayne Rosa* to the *Zoning Board of Adjustment* was approved by a vote of 6-0.

Cemetery Trustee

Candidate: *Michael A. Provost – Term Expires March 2019*

Councilor Burns made a motion to approve the nomination of *Michael A. Provost – Term Expires March 2019* as a *Cemetery Trustee*, which was seconded by Councilor Pike.

Town Administrator Fournier polled the council and the nomination of *John Deziel* to the *Macallen Dam Study Committee* was approved by a vote of 6-0.

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ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2015/2016-36 Resolution Relating to the Purchase of a 2016 Ford F-350 1-Ton Dump Truck

Chairman Nazzaro read *Resolution #2015/2016-36 Resolution Relating to the Purchase of a 2016 Ford F-350 1-Ton Dump Truck* in full.

Resolution #2015-2016-37 Resolution Relating to the Purchase of a 2016 Ford F-550 4x4 Type 1 Ambulance

Chairman Nazzaro read *Resolution #2015-2016-37 Resolution Relating to the Purchase of a 2016 Ford F-550 4x4 Type 1 Ambulance* in full.

Resolution #2015-2016-38 Resolution Relating to the Lease Purchase of 24 Scott Air-Paks

Chairman Nazzaro read *Resolution #2015-2016-38 Resolution Relating to the Lease Purchase of 24 Scott Air-Paks* in full.

NEXT MEETING

Chairman Nazzaro announced that the next Town Council meeting was scheduled for April 6, 2016.

CORRESPONDENCE/CLOSING COMMENTS

Chairman Nazzaro stated that the Veterans Memorial Trust Committee would be holding their annual fund raiser Golf Tournament on May 14, 2016 at *THE ROCK*, 200 Exeter Road in Newmarket, with registration at 8:00 am and on the Town website. Anyone interested in playing golf, volunteering, or sponsoring a hole was welcome.

ADJOURNMENT

Councilor Weinstein made a motion to adjourn the meeting, which was seconded by Councilor Thompson. The meeting was adjourned at 8:37 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

Approved April 6, 2016